



# COUNTY OF LOS ANGELES

## CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

### MEMBERS OF THE BOARD

Maria M. Oms  
Auditor-Controller  
John F. Krattli  
Office of the County Counsel  
Rocky Armfield  
Chief Administrative Office

May 2, 2005

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Billy Preston, De Aundra Tanner v. County of Los Angeles**  
**Los Angeles Superior Court Case No. TC 017 336**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$220,000.00, plus assumption of the Medi-Cal Lien not to exceed \$34,057.50.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Georgene Salisbury, Suite 648  
Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

MMO:gs

Enclosure

# MEMORANDUM

April 5, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID J. WEISS, ESQ.  
Law Offices of David J. Weiss

OWEN L. GALLAGHER  
Principal Deputy County Counsel  
General Litigation Division

RE: **Billy Preston, De Aundra Tanner v. County of Los Angeles**  
**Los Angeles Superior Court, South Central District Case No.**  
**TC017336**

DATE OF  
INCIDENT: December 11 - 12, 2002

AUTHORITY \$220,000, Plus Assumption of the Medi-Cal Lien Not to Exceed  
REQUESTED: \$34,057.50

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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## CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of  
Supervisors for Approval

\_\_\_\_\_, Chief Administrative Office  
**ROCKY ARMFIELD**

\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on \_\_\_\_\_, 2005

## SUMMARY

This is a recommendation to settle for \$220,000, the wrongful death lawsuit brought by Billy Preston (son), and De Aundra Tanner (daughter) for the death of Sherry Ridley while hospitalized at King/Drew Medical Center on December 30, 2002. The State, having paid \$34,057.50 for the provision of Medical care, has a claim for reimbursement, which will be settled by the County.

## LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## SUMMARY OF FACTS

On November 22, 2002, Sherry Ridley, a 43-year-old woman, underwent a surgical procedure at King/Drew Medical Center to remove sac-like growths containing other material (cysts), which medical personnel suspected might be cancerous, from her ovaries on both sides. Surgery was concluded without complication.

On November 25, 2002, Ms. Ridley complained of abdominal pain, and it was noted that her abdomen was tender to touch, and distended. Medical personnel determined that Ms. Ridley was suffering from a dilated loop of bowel, and a tube was placed through her nose into the stomach (nasogastric tube) to relieve her abdominal distension.

From November 26 through December 4, 2002, Ms. Ridley continued to have abdominal complaints, which were evaluated and managed by medical personnel.

On December 5, 2002, it was noted that Ms. Ridley's abdomen was distended. Ms. Ridley underwent a procedure utilizing an optical system for examination of the intestine (colonoscopy) to determine the cause of her abdominal distension. During this procedure, medical personnel found an area of dead (necrotic) bowel tissue. Ms. Ridley was taken to the operating room, and underwent exploratory abdominal surgery (laparotomy) to remove the necrotic tissue. During surgery, medical personnel identified two perforations of the bowel, a large collection of pus (abscess) in the abdominal wall, as well as areas of fragile bowel tissue. The perforations were repaired, and the necrotic bowel tissue was removed. However, rather than removing additional portions of the intestine containing fragile bowel tissue, medical personnel decided to monitor Ms. Ridley's condition and to allow the fragile bowel tissue time to heal.

On December 9, 2002, it was noted that a straw-colored fluid was emanating from the site of Ms. Ridley's surgical incision. On December 10, 2002, it was noted that a brown, foul-smelling fluid was emanating from the site of Ms. Ridley's surgical incision, which medical personnel decided to closely monitor.

On December 11, 2002, it was noted that a light brown, foul-smelling fluid was draining from the site of Ms. Ridley's surgical incision, which medical personnel suspected was fecal material. At 5:00 p.m., a decision was made to return Ms. Ridley to the operating room for performance of an exploratory laparotomy to determine the cause of the drainage of fecal material from the wound site.

On December 12, 2002, at 2:50 a.m., 9-hours-and-50-minutes after the decision to operate, Ms. Ridley was returned to the operating room for an exploratory laparotomy. During surgery, medical personnel discovered necrotic tissue along the abdominal wall, and a perforation of the colon, which allowed fecal material to enter the abdominal cavity, causing a severe inflammation of the lining of the abdomen (peritonitis). The perforated portion of the colon was repaired, the area was washed with fluids (irrigated), and devitalized tissue was removed from the infected area until healthy tissue is exposed (debridement).

On December 16, 17, 18, 20, 22, 23, and 26, 2002, Ms. Ridley underwent additional irrigation and debridement procedures. However, her condition continued to deteriorate, and she was diagnosed with shock that occurs from the spreading of a severe infection (septic shock), resulting in multiple organ failure.

On December 30, 2002, Ms. Ridley died due to the consequences of septic shock.

## DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Billy Preston,		
Loss of Care, Comfort		
and Companionship (MICRA limit)	\$125,000	
De Aundra Tanner,		
Loss of Care, Comfort		
and Companionship (MICRA limit)	\$125,000	
Funeral Expenses	<u>\$ 27,093</u>	
TOTAL	\$277,093	

The proposed settlement includes:

Billy Preston, Loss of Care, Comfort and Companionship	\$ 71,667.50
De Aundra Tanner, Loss of Care, Comfort and Companionship	\$ 71,667.50
Attorneys Fees (MICRA Estimate)	\$ 66,665.00
Costs of Litigation	<u>\$ 10,000.00</u>
TOTAL	\$220,000.00

## STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through March 9, 2005, are attorneys fees of \$40,417 and \$19,190 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$220,000.00
County Attorneys Fees and Costs	\$ 59,607.00
Medi-Cal Lien	<u>\$ 34,057.50</u>
TOTAL	\$313,664.50

## EVALUATION

Medical experts will be critical of the 9-hour-and-50-minute delay from the decision at 5:00 p.m., on December 11, 2002, to perform exploratory abdominal surgery, to the commencement of surgery at 2:50 a.m., on December 12, 2002. This delay fell below the standard of care, allowed a further deterioration of Sherry Ridley's condition due to the consequences of peritonitis, and is directly responsible for the results observed here.

We join with our private counsel, Law Offices of David J. Weiss, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$220,000, and payment of the Medi-Cal lien in the amount of \$34,057.50.

The Department of Health Services concurs in this settlement.